

SENATE BILL 2594

By Tracy

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 13; Title 39, Chapter 13; Title 40, Chapter 39; Title 40, Chapter 35 and Title 49, Chapter 2, Part 2, relative to sexual offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-13-102, is amended by deleting the section in its entirety and by substituting instead the following language:

§ 38-13-102.

The advisory council shall:

(a)

(1) Monitor and evaluate the status of technological advancements and related issues to law enforcement in Tennessee; and

(2) Develop official statistical information relating to the number and types of sexual offenders and violent sexual offenders subject to registration pursuant to title 40, chapter 39, part 3, and those who are required to be subject to electronic monitoring pursuant to title 40, chapter 39, part 3.

(b) The advisory council will report to the governor and the house and senate judiciary committees on an annual basis as to its findings.

SECTION 2. Tennessee Code Annotated, Title 38, Chapter 13, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 38-13-105.

(a) The council shall, every two (2) years, study and report on the

effectiveness of Tennessee's offender registration process and community and public notification provisions. As part of this study, the council shall examine the current practices of each agency, office, or other governmental entity having a role in the offender registration system, in both the executive and judicial branches of government as well as the Tennessee bureau of investigation. The study shall include an examination of the sharing of offender information regarding registered offenders among system operators and users, the system's ability to provide the most accurate, current and comprehensive information to users of the system, the system's integration with programs responsible for monitoring and supervising offenders, and the ready availability of system information to participants in the criminal justice system at each point in the criminal justice process.

(b) In addition to examining the effectiveness of the offender registration system under subsection (a) of this section, the council shall also study the question of whether the notification provisions provided by statute are sufficient to apprise communities of the presence of offenders. In examining this question, the study shall examine how state and local law enforcement agencies collect and disseminate information in an effort to notify the public and communities of the presence of offenders. If the study finds deficiencies in the registration process, the notification provisions, or both, the report on the study shall provide options for correcting those deficiencies and shall include the projected cost of implementing those options.

(c) In conducting the studies required by this section, the council shall consult with nongovernmental organizations advocating for the interests of victims of sexual violence and assault and those advocating for the treatment of offenders, in addition to other interested entities that may offer experiences and

perspectives unique to this area of research.

(d) As used in this section, "offender" means both "sexual offender" and "violent sexual offender", as defined in § 40-39-202, unless otherwise designated. An offender who qualifies both as a sexual offender and a violent sexual offender shall be considered a violent sexual offender.

(e) The report required by this section shall be submitted to the governor and the house and senate judiciary committees on an annual basis no later than November 1 of each even-numbered year, beginning with November 1, 2006.

SECTION 3. Tennessee Code Annotated, Section 38-3-122, is amended by adding the following language as a new subsection (d):

(d) The state shall provide and maintain in every detention center and in every probation and parole office the automated fingerprint identification system equipment.

SECTION 4. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following language as a new, appropriately designated section:

§ 39-13-530.

(a) It is an offense to aid and abet a sexual offender or a violent sexual offender required to register pursuant to title 40, chapter 39, part 2, if:

(1) The person has a reasonable belief that a registrant is not complying, or has not complied, with the requirements of § 40-39-203;

(2) The person intends to assist the registrant in eluding a law enforcement agency that is seeking to find the registrant to question the registrant about, or to arrest the registrant for, the registrant's noncompliance with the requirements of § 40-39-203; and

(b) The person either:

(1) Withholds information from, or does not notify, the law

enforcement agency about the registrant's noncompliance with the requirements of this section, and, if known, the whereabouts of the registrant;

(2) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the registrant;

(3) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the registrant; or

(4) Provides information to the law enforcement agency regarding the registrant which the person knows to be false.

(c) This section shall not apply if the registrant is incarcerated in or is in the custody of a state correctional facility, a private correctional facility, a local jail, or a federal correctional facility.

(d) A violation of this section is a Class E felony.

SECTION 5. Tennessee Code Annotated, Section 40-39-202 (17), is amended by adding the following language as a new, appropriately designated subdivision:

() Aiding and abetting a sexual offender registrant or violent sexual offender registrant, as prohibited by §39-13-530;

SECTION 6. Tennessee Code Annotated, Section 40-39-301(2), is amended by adding the following language as a new, appropriately designated subdivision:

() Aiding and abetting a sex offender registrant or violent sex offender registrant, as prohibited by § 39-13-530;

SECTION 7. Tennessee Code Annotated, Section 40-39-303(a), is amended by deleting the language "may" in the first sentence and substituting instead the language "shall".

SECTION 8. Tennessee Code Annotated, Section 40-39-303 (b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(b) The board of probation and parole shall require, as a mandatory condition of release for any person convicted of a violent sexual offense as defined in § 40-39-202(25), and may require for such other offenders as the board deems appropriate, that such person be enrolled in a satellite-based monitoring program for the remainder of the person's natural life.

SECTION 9. Tennessee Code Annotated, Section 40-35-114(13), is amended by adding the following language as a new, appropriately designated subdivision:

() The defendant was a registered sexual offender or violent sexual offender pursuant to § 40-39-203, or was required to so register but failed to do so;

SECTION 11. This act shall take effect on July 1, 2006, the public welfare requiring it.